

Amendment No. 1 to HB0459

DeBerry J  
Signature of Sponsor

**AMEND Senate Bill No. 456**

**House Bill No. 459\***

by deleting all of the language after the enacting clause, and by substituting instead the following:

SECTION 1. Tennessee Code Annotated Section 37-1-128(a), is amended by adding the following language as new, appropriately designated subdivisions:

(3) If a child that is alleged to be delinquent or unruly is brought before the court, and if the court determines that there is reason to believe that the child is experiencing a behavioral health emergency, the court shall request the services of a crisis response provider designated by the commissioner performing such services under Title 33. A behavioral health emergency is an acute onset of a behavioral health condition that manifests itself by an immediate substantial likelihood of serious harm as defined in Section 33-6-501. If a crisis response provider cannot examine the child thought to be experiencing a behavioral health emergency within two (2) hours of the request to conduct the examination, and if the juvenile court determines that probable cause exists to believe that the child is subject to involuntary commitment and all available less drastic alternatives to placement in a hospital or treatment resource are unsuitable to meet the needs of the child, the court may order the child placed in a hospital or treatment resource, as defined in § 33-1-101, for the minimum amount of time necessary to perform an examination and for treatment necessary to the examination, but not more than forty-eight (48) hours. Continued detention beyond this time for further examination or treatment shall occur only when accomplished pursuant to the provisions of Title 33, Chapter 6. Upon completion of the examination, the child shall be released and the hospital or treatment resource shall report findings to the court. If a crisis response provider does examine the child within the times specified above, the crisis response

provider shall make all recommendations concerning evaluation and referral for additional services and treatment. If a child is placed in a state-supported mental health facility, the child shall be in the custody of the commissioner of the department of mental health and developmental disabilities.

(4) Reports of evaluations conducted under this subsection shall be provided to the court and may be disclosed to mental health service providers as necessary to carry out treatment and supports.

SECTION 2. Tennessee Code Annotated, Section 37-1-128(e)(1), is amended by inserting the following language immediately after the second sentence:

Any such outpatient evaluation shall be completed no more than thirty (30) days after receipt of the order by the evaluator.

SECTION 3. Tennessee Code Annotated, Section 37-1-128(e)(1), is further amended by deleting the following:

If the court determines that there is reason to believe that the child:

(A) Is mentally ill; and

(B) Poses an immediate substantial likelihood of serious harm, as defined in title 33, chapter 6, part 5, because of the mental illness; the court may order the child placed in a hospital or treatment resource, as defined in § 33-1-101, for the purposes of evaluation and for treatment necessary to the evaluation, for not more than thirty (30) days. If a child is placed in a state-supported facility, the child shall be in the custody of the commissioner.

And by substituting instead the following:

If a child is placed in a state-supported facility, the child shall be in the custody of the commissioner of mental health and developmental disabilities.

SECTION 4. Tennessee Code Annotated, Section 37-1-150(a)(1), is amended by deleting the subdivision and by substituting instead the following:

(1) The cost of medical and other examinations and treatment of a child that is ordered by the court, excluding mental health examinations or evaluations when such

examinations or evaluations have been ordered by the juvenile court judge for a child charged with commission of an offense that would be a felony if committed by an adult; SECTION 5. Tennessee Code Annotated, Section 37-1-150(b), is amended by deleting the subsection in its entirety and by substituting instead the following:

(b) The cost of transporting a child who has been committed to a state correctional institution on an offense that would be a felony if committed by an adult shall be paid by the state. The cost of transportation of a child to and from the mental health facility or community mental health agency designated by the commissioner of mental health and developmental disabilities for mental examination or evaluation when such examination or evaluation has been ordered by the juvenile court judge for a child charged with commission of an offense that would be a felony if committed by an adult shall be paid by the county. The cost of such an examination or evaluation, and the costs incidental to such an examination or evaluation will be paid by the state.

SECTION 6. Tennessee Code Annotated, Section 37-1-150(d), is amended by designating the current language as subdivision "(1)" and by adding the following language, to be designated as subdivision "(2)":

(2) If, after due notice to the parents or other persons legally obligated to care for and support the child, and after affording them an opportunity to be heard, the court finds that they are financially able to pay all or part of the costs and expenses of the mental evaluation or examination of the child, which have been paid for by the state pursuant to subsection (b), the court shall order them to pay the costs and prescribe the manner of payment. Unless otherwise ordered, payment shall be made to the clerk of the juvenile court for remittance to the person to whom compensation is due, or if the costs and expenses have been paid by the state to the appropriate officer of the state.

SECTION 7. This act shall take effect on July 1, 2009, the public welfare requiring it.